

NOTICE OF PROPOSED RULEMAKING
TITLE 2. ADMINISTRATION
CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION
PREAMBLE

1. Section Affected and Action taken:

Sections affected

R2-20-109(B)(1)

Rulemaking action

Amendment

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statutes: A.R.S. §§ 16-956(A)(3), -956(A)(6), and -956(C). Rulemaking by the Citizens Clean Elections Commission (“Commission”) is not subject to title 41, chapter 6, article 3. Instead, Commission rulemaking is governed by A.R.S. § 16-956(C) which provides as follows: “[t]he commission may adopt rules to carry out the purposes of this article and to govern procedures of the commission. Commission rule making is exempt from title 41, chapter 6, article 3, except that the commission shall submit the rules for publication and the Secretary of State shall publish the rules in the Arizona administrative register. The commission shall propose and adopt rules in public meetings, with at least sixty days allowed for interested parties to comment after the rules are proposed.”

Statutes implemented by this rule change: A.R.S. §§16-946(C), -950(B) and -958(E).

3. A list of all previous notices appearing in the Register addressing the proposed rule:

Notice of Rulemaking Docket Opening: 11 A.A.R. _____ (Filed on August 26, 2005)

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Genevra Richardson, Campaign Finance Manager
Citizens Clean Elections Commission

Address: 1616 West Adams, Suite 110, Phoenix, AZ 85007

Telephone: 602-364-3477

Fax: 602-364-3487

E-mail: g.richardson@azcleelections.gov

5. An explanation of the rule, including the agency's reasons for initiating the rule:

Under A.R.S. § 16-950(B), a candidate applying for clean election funding “must present to the Secretary of State no later than one week after the end of the qualifying period a list of names of persons who have made qualifying contributions pursuant to section 16-946 on behalf of the candidate.” The current rule, R2-20-109(B)(1), requires that list to be filed as a campaign finance report, as follows:

- B. Participating candidate reporting requirements. In addition to the campaign finance reports filed pursuant to A.R.S. § 16-913, participating candidates shall file the following campaign finance reports and dispose of excess monies as follows:
 - 1. Prior to filing the application for funding pursuant to A.R.S. § 16-950, participating candidate shall file a campaign finance report with the names of persons who have made qualifying contributions to the candidate.

The Arizona Secretary of State, Jan Brewer, submitted a written request to the Commission that statewide candidates be permitted to file the list of names in a spreadsheet format to reduce the time and costs associated with having the names input into a campaign finance report. The Secretary of State’s office provides campaign finance software to all candidates and all campaign finance reports are to be filed in electronic format. Currently, the Secretary of State’s campaign finance software is unable to “export” or “import” data from a spreadsheet. The Secretary of State’s office is working to resolve this issue, but it will not be resolved in time for the 2006 elections. The Commission approved a proposed amendment to R2-20-10-9(B)(1) that would: (1) be in effect only for the 2006 elections; and (2) apply to all candidates.

6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rule or proposes not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None.

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

N/A

8. The preliminary summary of the economic, small business, and consumer impact:

None.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

N/A

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

A meeting will be held at the Citizens Clean Elections Commission Conference Room, 1616 West Adams, Suite 110, Phoenix, AZ 85007, on October 20, 2005, at 9:30 a.m. to receive oral comments on the proposed amendment.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None.

12. Incorporations by reference and their location in the rules:

None.

13. The full text of the rule follows:

R2-20-109. Reporting requirements

A. No changes.

1. No changes.

2. No changes.

B. Participating candidate reporting requirements. In addition to the campaign finance reports filed pursuant to A.R.S. § 16-913, participating candidates shall file the following campaign finance reports and dispose of excess monies as follows:

1. Prior to filing the application for funding pursuant to A.R.S. § 16-950, participating candidates shall file a campaign finance report with the names of persons who have made qualifying contributions to the candidate. In the alternative, for the 2006 elections, candidates may file this campaign finance report in an electronic spreadsheet format approved by the Executive Director or his or her designee together with a hard copy printout of the report.

2. No changes

a. No changes.

b. No changes.

3. No changes.

a. No changes.

b. No changes.

C. No changes.

1. No changes.

2. No changes.

D. No changes.

1. No changes.
2. No changes.
3. No changes.
 - a. No changes.
 - b. No changes.
 - c. No changes.

E. No changes.

1. No changes.
2. No changes.
3. No changes.
4. No changes.